

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AHMAD M. AJAJ,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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Case No. 14-cv-01245-JPG-RJD

MEMORANDUM AND ORDER

This matter comes before the court on the Plaintiff's Motion (Doc. 130) for Order Directing the Defendants' Attorney to Serve him with Filings and to Comply and Motion (Doc. 131) that this Court Not Rely on Defendants' Attorney's Misrepresentation of Factual Allegations and Claims Contained in his Complaint.

According to both motions, plaintiff has failed to receive a copy of the defendant's objections (Doc. 126) to Magistrate Judge Daly's Report & Recommendation (Doc. 115) of February 22, 2017. Plaintiff is requesting that this Court required the defendants to conform and comply with Bureau of Prison mailing requirements for legal matters.

Defendants are required to comply with the Federal Rules of Civil Procedures and the defendants have certified that they mailed a copy of their objections to the plaintiff at the proper address on March 29, 2017. (Doc. 126). Marking the mail, "Legal Mail to be Opened by Inmate Only" is not a requirement set out in the Federal Rules of Civil Procedures. Further, this is not attorney-client confidential correspondence that is required to be opened only by the addressee. Defendants' objections are part of the public record in this matter.

With regard to plaintiff's request that the Court, "not rely on any misrepresentation of his claims and factual allegations by the defendants' attorney's objections to the R & R," the Court

is well aware of its duty and considers all the information available within the record – including the plaintiff’s verified complaint. That the plaintiff’s research, “has revealed numerous cases that [the Court] failed to so, and that closed the courthouse doors to prisoners” is irrelevant in this matter. Further, since the plaintiff states that he has not received defendants’ objection, it is only speculation that the defendants’ objection contains any “misrepresentation.”

The United States has filed a response stating that a second copy of its objections has been sent to the plaintiff and marked, “Legal Mail-Open Only in the Presence of the Inmate.” As such, the Court will allow the plaintiff an additional 14 days to file a response, if any, to defendants’ objections.

Therefore, Plaintiff’s Motion (Doc. 130) for Order Directing the Defendants’ Attorney to Serve him with Filings and to Comply is **DENIED** and Motion (Doc. 131) that this Court Not Rely on Defendants’ Attorney’s Misrepresentation of Factual Allegations and Claims Contained in his Complaint is **DENIED**. The plaintiff is **GRANTED** leave to file a response, if any, to defendants’ objections on or before **May 22, 2017**.

IT IS SO ORDERED.

DATED: 5/2/2017

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE